

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CR-132
)	
KATHY KIRKLAND,)	(VARLAN/SHIRLEY)
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter came before the undersigned for a competency hearing on February 8, 2010. Assistant United States Attorney Melissa M. Millican appeared as counsel for the Government. Attorney Kim A. Tollison represented the Defendant, who was also present. The Government offered into evidence the eleven (11) page forensic report entitled Competency to Stand Trial Evaluation, from the Metropolitan Correctional Center in New York, New York. The report was made a sealed exhibit. Neither the Government nor the Defendant sought to offer any other evidence for the Court to consider on the issue of the Defendant's competency. Moreover, the Defendant had no objection to the Court receiving the forensic report as an exhibit.

Pursuant to 18 U.S.C. § 4241(d), the report concludes and the Court so finds by a preponderance of the evidence that Defendant Kirkland is able to understand the nature and consequences of the charges and proceedings against her and to assist properly in the defense of the charges brought against her in this case. Accordingly, the Court finds that the Defendant is **COMPETENT** to stand trial. The Court makes no ruling with regard to whether the Defendant was sane at the time of the alleged offenses.

Also, at the hearing, the Court arraigned the Defendant on the Indictment [Doc. 11] and set the case for trial on **April 19, 2010**. The Court notes that all of the time between October 14, 2009, and the competency hearing on February 8, 2010, has already been excluded [Doc 17] under the Speedy Trial Act due to the Defendant's mental examination and transportation related thereto. See 18 U.S.C. § 3161(h)(A) &-(F). With regard to other scheduling in the case, discovery is due on or before **February 15, 2010**. Upon the Defendant's request, the Court set a detention hearing for **February 16, 2010, at 2:00 p.m.** Pretrial motions must be filed by **March 6, 2010**. Responses are due **March 22, 2010**. The parties are to appear before the undersigned for a pretrial conference on **March 25, 2010, at 9:30 a.m.** This date is also the reciprocal discovery deadline and the plea negotiations deadline. The Court instructs the parties that all motions *in limine* must be filed no later than **April 2, 2010**. Special requests for jury instructions shall be submitted to the District Court no later than **April 9, 2010**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge